

IN THE HIGH COURT OF JUDICATURE AT BOBBY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1588 OF 2004

Shri Apurva Jagdish Mehta & Ors. ..Petitioners.

V/s.

The State of Maharashtra & Anr. . . Respondents.

Shri Suresh Kumar Dube i/b.J.S. Kini for Petitioners.
Shri A.S. Gadkari, APP for Respondent No.1 -State.
Miss Baiga i/by Shoib J. Memon for Respondent No.2.

CORAM : A.M.KHANWILKAR, J.
DATED : FEBRUARY 09, 2005

PC :-

Heard learned counsel for the parties.

2. Rule. Rule made returnable forthwith, by consent. Shri Gadkari, APP waives notice for respondent No.1 -State. Miss Baiga waives notice for respondent No.2. As short question is involved, the petition is taken up for final hearing forthwith, by consent.

3. Respondent No.2 instituted criminal action against the petitioner which is stated to be pending before the Metropolitan Magistrate, 27th Court at Mulund, Mumbai being C.C.No. 91/P/2002. Counsel

appearing for the parties state on instructions that parties have amicably settled all disputes inter-se. In fact, the consent terms have been filed in the matrimonial proceedings pending before the Family Court, which have now been disposed of. It was agreed in the consent terms that Respondent No.2 is not interested in pursuing the criminal action, in view of the settlement arrived at between the parties. Father of respondent No.2 is personally present in court and accepts this position.

4. In the circumstances, in the interest of justice, the petition deserves to be allowed in terms of prayer clause (a).

5. Ordered accordingly.

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